

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
FOURTH DIVISION

US EPA RECORDS CENTER REGION 5



514974

UNITED STATES OF AMERICA,

Plaintiff,

and

Civil No. 4-80-469

STATE OF MINNESOTA, by its  
Attorney General Hubert H.  
Humphrey, III, its Department  
of Health, and its Pollution  
Control Agency,

Plaintiff-Intervenor,

v.

INTERROGATORIES OF  
REILLY TAR & CHEMICAL  
CORPORATION TO THE  
UNITED STATES OF AMERICA

REILLY TAR & CHEMICAL CORPORATION;  
HOUSING AND REDEVELOPMENT AUTHORITY  
OF ST. LOUIS PARK; OAK PARK VILLAGE  
ASSOCIATES; RUSTIC OAKS CONDOMINIUM,  
INC.; and PHILIP'S INVESTMENT CO.,

Defendants,

and

CITY OF ST. LOUIS PARK,

Plaintiff-Intervenor,

v.

REILLY TAR & CHEMICAL CORPORATION,

Defendant,

and

CITY OF HOPKINS,

Plaintiff-Intervenor,

v.

REILLY TAR & CHEMICAL CORPORATION,

Defendant.

TO: United States of America, plaintiff above-named, and its attorneys, James M. Rosenbaum, United States Attorney, Francis X. Herman, Assistant United States Attorney, 110 South Fourth Street, Minneapolis, Minnesota, 55401, and David Hird, Attorney, Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Washington, D.C., 20530.

PLEASE TAKE NOTICE that you are requested and required to furnish answers to the following interrogatories to defendant's attorneys within thirty (30) days from the date of service hereof.

These Interrogatories are deemed to be continuing and should you, your attorneys or agents obtain any other information which would add to, modify or qualify answers supplied herein, you are directed to give timely notice of such information and furnish same to defendant and its attorneys without delay.

In answering these Interrogatories, if privilege is alleged as to any information or documents, or if an Interrogatory is otherwise not answered in full after the exercise of due diligence to secure complete information, state the specific grounds for not answering in full and answer said Interrogatory to the extent to which no privilege is claimed or to the extent to which information is available, and fully identify the information or documents for which the privilege is asserted and specify the privilege (e.g., work-product, attorney-client).

### DEFINITIONS

The following definitions are to be considered as applicable to all requests described below:

A. "State" means the State of Minnesota and all agencies, departments and divisions thereof including, but not limited to, the Minnesota Pollution Control Agency; the Minnesota Attorney General's office, the Minnesota Department of Health, and all predecessors and/or successors to the above agencies, departments and divisions; named or unnamed.

B. "City" means the Plaintiff-Intervenor City of St. Louis Park and all agencies, departments and divisions thereof including, but not limited to, the City Council, Department of Public Works, Health Department, Sanitation Department, City Planning Commission, Housing and Redevelopment Authority and all predecessors and/or successors to the above agencies; named or unnamed.

C. "Defendant" or "Reilly" or "Reilly Tar" means Defendant Reilly Tar & Chemical Corporation and any predecessor in interests to Reilly (including, but not limited to, Republic Creosoting Company), and any subsidiary of Reilly Tar or its predecessors which have engaged in the distillation of coal tar or application of creosote to timber in St. Louis Park, Minnesota.

D. The "Site" means all land which has at any time been owned by defendant Reilly in the City of St. Louis Park,

Minnesota, and all land which has at any time been used by defendant in its former operations in St. Louis Park, Minnesota.

E. "Document" means the original and all drafts of any writing, record, or other graphic matter of any type or description regardless of whether designated "confidential", "privileged", or otherwise restricted, including without limitations: agreements; correspondence; letters; telegraphs; office communications; memoranda; reports; records; minutes of meetings; confirmations; recommendations; instructions; specifications; laboratory analyses; notes; notebooks; summaries; scrapbooks; diaries; calendars and appointment books; worksheets; work papers; sketches; blue prints; photographs; photocopies; charts; computations; calculations; printouts; curves; descriptions; accounts; invoices; records of obligations and expenditures; cancelled checks; vouchers; receipts and other records of payment; tabulations; tables; purchase orders; statements; bills; bills of lading; indexes; motion pictures; video tapes; phono-recordings; tape recordings; transcripts of telephone conversations; drawings; maps; graphs; financial and statistical data; analyses; surveys; transcripts of testimony; statements; interviews; affidavits; printed matter (including published articles, speeches and newspaper clippings); press releases; photographs; and any retrievable data (whether encarded, taped, or coded electrostatically, electromagnetically, or otherwise); and any

other data compilations from which information can be obtained (translated, it necessary, by the plaintiff through detection devices into reasonably usable form) in plaintiff's possession, custody, or control or in the custody or control of any of plaintiff's employees, attorneys, or consultants, wherever located, however produced or reproduced, including any identical or nonidentical copy, whether a draft or a final version, and without any limitation as to time or preparation.

F. "Person" or "persons" means any individual, firm, partnership, association, organization, corporation, government (or agencies thereof), quasi-public entity or other legal or commercial entity.

G. "Meeting" means any coincidence of presence of persons, whether by chance or prearranged, including but not limited to a formal or informal gathering, luncheon, dinner, social or business occasion, or any other group situation of two or more person.

H. "Communication" means all modes of conveying meaning or information, such as, but not limited to, telephone, telegraphs, or written or spoken language between two or more persons.

I. "Date" means the exact day, month and year, if ascertainable, or, if not, the closest approximation that can be made thereto, by means of, location and the relationship to other events.

J. "Identify" means with respect to an individual person to set forth that individual's full name and, on the first occasion that such individual is identified, the following information:

1. Present home address;
2. Present home telephone number;
3. Present business address;
4. Present business telephone number;
5. Present employer;
6. Present job title;
7. Present job description; and
8. Employment history, if any, by date, job description and title.

K. "Identify" means with respect to an entity other than an individual person to set forth the full name or title of the entity and, on the first occasion such entity is identified, to state the address of the principal place of business and principal business or activity of such entity.

L. "Identify" means with respect to a document to set forth the following information:

1. The nature of the document (e.g., letter, memorandum, or report);
2. The date the document bears or, if undated, the day it was written or created;

3. The identification of all persons (other than routine clerical personnel) who participated in the preparation of the document;
4. The identification of all addresses;
5. The file number or other identifying mark or code of the document; and
6. The present location and custodian or, if unknown, the last known location and custodian of the document.

In all cases where plaintiff is requested to identify particular documents, in lieu of such identification plaintiff may supply a fully legible copy of the document in question. This permission, however, shall in no way prejudice defendant's right to require production and allow inspection of all records in plaintiff's possession.

M. "Identify" means with respect to oral communications to set forth the following information:

1. The substance of the communication;
2. The date and time of the communication;
3. The place of origin of the communication and, if different (as in the case of telephone communications), the place at which the communication was received;
4. Identification of each originator and recipient of the communication; and

5. Identification of all persons present at the place of origin, and if different, the place of receipt of the communication at the time the communication took place.

N. "Identify" means with respect to an event other than an oral communication to set forth and describe in detail the following information:

1. The date and time of the event;
2. The location of the event;
3. The identity of all persons present;
4. The factual details thereof;
5. All other relevant information concerning the event, its outcome or ramifications.

O. As used herein, the singular form of a word, e.g., "document", "person", shall refer to the plural as well.

P. "Groundwater" means all water bodies, streams, springs, reservoirs, aquifers, or other water courses existing under the ground surface.

Q. "Surface water" means all streams, lakes, ponds, marshes, water courses, water ways, wells, springs, reservoirs, irrigation systems, drainage systems and all other bodies or accumulations of water on the surface of the ground.

R. "Swamp" refers to that area south of the Reilly site in St. Louis Park also known as the bog on either side of Minnesota Highway 7.



S. "You" or "Your" refers to the entity to whom those interrogatories are directed and any of its agencies, subdivisions, agents, servants, officers, or officials.

#### INTERROGATORIES

INTERROGATORY NO. 1: With respect to the allegation in paragraph 7 of the First Amended Complaint of the United States that: "The activities of Reilly Tar at the Reilly Tar site, including the refining of coal tar and the treatment of wood products, generated chemical wastes," and that "For 55 years, Reilly Tar handled, stored, treated and disposed of these chemical wastes at the Reilly Tar site,"

- (a) Fully state the factual basis for each of these allegations including all facts which support or tend to support each of these allegations,
- (b) Identify each person who has or claims to have knowledge of the facts referred to in subpart (a) of this interrogatory,
- (c) Identify each document which refers or relates to the facts referred to in subpart (a) of this interrogatory,
- (d) Identify each oral communication or other event which refers or relates to the facts referred to in subpart (a) of this interrogatory.

INTERROGATORY NO. 2: With respect to the allegation in paragraph 12 of the First Amended Complaint of the First

Amended Complaint of the United States that: "[T]he United States Government has begun to incur costs in taking actions to repair the harm caused and prevent the future harm posed by the pollution of the groundwater in and around the City of St. Louis Park,"

- (a) Fully state the factual basis for this allegation including all facts which support or tend to support this allegation,
- (b) Identify each person who has or claims to have knowledge of the facts referred to in subpart (a) of this interrogatory,
- (c) Identify each document which refers or relates to the facts referred to in subpart (a) of this interrogatory,
- (d) Identify each oral communication or other event which refers or relates to the facts referred to in subpart (a) of this interrogatory.

INTERROGATORY NO. 3: With respect to the allegation in paragraph 14 of the first Amended Complaint of the United States that: "Some creosote oil is carcinogenic in animals and has been associated with occupational cases of cancer in humans," that "It is absorbed from the intestinal tract on ingestion and through the skin," that "Accute exposure may produce vomiting, respiratory difficulties, headache, vertigo, and convulsions," and that "Exposure to high concentrations may cause hypertension,"

- (a) Fully state the factual basis for each of these allegations including all facts which support or tend to support each of these allegations,
- (b) Identify each person who has or claims to have knowledge of the facts referred to in subpart (a) of this interrogatory,
- (c) Identify each document which refers or relates to the facts referred to in subpart (a) of this interrogatory,
- (d) Identify each oral communication or other event which refers or relates to the facts referred to in subpart (a) of this interrogatory.

INTERROGATORY NO. 4: With respect to the allegation in paragraph 15 of the First Amended Complaint of the United States that: "Many PAH compounds found in wastes resulting from the refining of creosote oil and other products from coal tar and from the treatment of wood products with creosote oil and other materials are carcinogenic in animals and are suspect human carcinogens,"

- (a) Fully state the factual basis for this allegation including all facts which support or tend to support this allegation,
- (b) Identify each person who has or claims to have knowledge of the facts referred to in subpart (a) of this interrogatory,

- (c) Identify each document which refers or relates to the facts referred to in subpart (a) of this interrogatory,
- (d) Identify each oral communication or other event which refers or relates to the facts referred to in subpart (a) of this interrogatory.

INTERROGATORY NO. 5: With respect to the allegation in paragraph 15 of the First Amended Complaint of the United States that: "[I]nteraction among various PAH compounds may result in an enhancement of their carcinogenic and other toxic effects,"

- (a) Fully state the factual basis for this allegation including all facts which support or tend to support this allegation,
- (b) Identify each person who has or claims to have knowledge of the facts referred to in subpart (a) of this interrogatory,
- (c) Identify each document which refers or relates to the facts referred to in subpart (a) of this interrogatory,
- (d) Identify each oral communication or other event which refers or relates to the facts referred to in subpart (a) of this interrogatory.

INTERROGATORY NO. 6: With respect to the allegation in paragraph 15 of the First Amended Complaint of the United

States that: "[S]ome PAH compounds are co-carcinogens, substances which enhance the carcinogenic activity of cancer-causing substances,"

- (a) Fully state the factual basis for this allegation including all facts which support or tend to support this allegation,
- (b) Identify each person who has or claims to have knowledge of the facts referred to in subpart (a) of this interrogatory,
- (c) Identify each document which refers or relates to the facts referred to in subpart (a) of this interrogatory,
- (d) Identify each oral communication or other event which refers or relates to the facts referred to in subpart (a) of this interrogatory.

INTERROGATORY NO. 7: With respect to the allegation in paragraph 16 of the First Amended Complaint of the United States that: "Phenolic compounds found in the tar acids of wastes resulting from the refining of creosote oil and other products from coal tar and from the treatment of wood products with creosote oil and other materials are toxic,"

- (a) Fully state the factual basis for this allegation including all facts which support or tend to support this allegation,

- (b) Identify each person who has or claims to have knowledge of the facts referred to in subpart (a) of this interrogatory.
- (c) Identify each document which refers or relates to the facts referred to in subpart (a) of this interrogatory.
- (d) Identify each oral communication or other event which refers or relates to the facts referred to in subpart (a) of this interrogatory.

INTERROGATORY NO. 8: With respect to the allegation in paragraph 16 of the First Amended Complaint of the United States that: "Ingestion may cause nausea, vomiting, paralysis, convulsions, coma, and death," and that "kidney, liver, and lung functions may be impaired upon prolonged exposure to phenolic compounds,"

- (a) Fully state the factual basis for each of these allegations including all facts which support or tend to support each of these allegations.
- (b) Identify each person who has or claims to have knowledge of the facts referred to in subpart (a) of this interrogatory.
- (c) Identify each document which refers or relates to the facts referred to in subpart (a) of this interrogatory.

- (d) Identify each oral communication or other event which refers or relates to the facts referred to in subpart (a) of this interrogatory.

INTERROGATORY NO. 9: With respect to the allegation in paragraph 16 of the First Amended Complaint of the United States that: "Phenol is a tumor promoter, increasing the carcinogenic response of certain carcinogens when exposure to the phenol follows exposure of the carcinogen,"

- (a) Fully state the factual basis for this allegation including all facts which support or tend to support this allegation,
- (b) Identify each person who has or claims to have knowledge of the facts referred to in subpart (a) of this interrogatory,
- (c) Identify each document which refers or relates to the facts referred to in subpart (a) of this interrogatory,
- (d) Identify each oral communication or other event which refers or relates to the facts referred to in subpart (a) of this interrogatory.

INTERROGATORY NO. 10: With respect to the allegation in paragraph 17 of the First Amended Complaint of the United States that: "Chemical wastes generated at the Reilly Tar site spilled, leaked and were discharged directly by Reilly Tar onto and into the ground at the site,"

- (a) Fully state the factual basis for this allegation including all facts which support or tend to support this allegation,
- (b) Identify each person who has or claims to have knowledge of the facts referred to in subpart (a) of this interrogatory,
- (c) Identify each document which refers or relates to the facts referred to in subpart (a) of this interrogatory,
- (d) Identify each oral communication or other event which refers or relates to the facts referred to in subpart (a) of this interrogatory.

INTERROGATORY NO. 11: With respect to the allegation in paragraph 18 of the First Amended Complaint of the United States that: "Chemicals which are part of the chemical wastes generated by the refining of coal tar into creosote oil and other products and the treatment of wood products with creosote oil and other materials exist at present in the ground at and surrounding the Reilly Tar site,"

- (a) Fully state the factual basis for this allegation including all facts which support or tend to support this allegation,
- (b) Identify each person who has or claims to have knowledge of the facts referred to in subpart (a) of this interrogatory,



(c) Identify each document which refers or relates to the facts referred to in subpart (a) of this interrogatory,

(d) Identify each oral communication or other event which refers or relates to the facts referred to in subpart (a) of this interrogatory.

INTERROGATORY NO. 12: With respect to the allegation in paragraph 19 of the First Amended Complaint of the United States that: "The chemicals in the ground at and surrounding the Reilly Tar site have leached and migrated and will continue to leach and migrate into the groundwater beneath and surrounding the Reilly Tar site,"

(a) Fully state the factual basis for this allegation including all facts which support or tend to support this allegation,

(b) Identify each person who has or claims to have knowledge of the facts referred to in subpart (a) of this interrogatory,

(c) Identify each document which refers or relates to the facts referred to in subpart (a) of this interrogatory,

(d) Identify each oral communication or other event which refers or relates to the facts referred to in subpart (a) of this interrogatory.

INTERROGATORY NO. 13: With respect to the allegations in paragraph 20 of the First Amended Complaint of the United States that: "The groundwater beneath and surrounding the Reilly Tar site is part of a system of aquifers," that "Numerous industrial and drinking water wells have been drilled into the aquifers," that "Some wells offer a route for further migration of chemicals between the aquifers because of inadequate grouting and well casings," and that "One well, drilled to a depth of 909 feet beneath the Reilly Tar site, is plugged with coal tar at a depth of approximate 590 feet,"

- (a) Fully state the factual basis for each of these allegations including all facts which support or tend to support each of these allegations,
- (b) Identify each person who has or claims to have knowledge of the facts referred to in subpart (a) of this interrogatory,
- (c) Identify each document which refers or relates to the facts referred to in subpart (a) of this interrogatory,
- (d) Identify each oral communication or other event which refers or relates to the facts referred to in subpart (a) of this interrogatory.

INTERROGATORY NO. 14: With respect to the allegation in paragraph 21 of the First Amended Complaint of the United States that: "The City of St. Louis Park closed five drinking

water wells in 1978 and 1979, and the City of Hopkins closed one drinking water well in 1981, because the water in the wells was contaminated with chemicals which are part of the chemical wastes generated by the refining of coal tar into creosote oil and other products and the treatment of wood products with creosote oil and other materials,"

- (a) Fully state the factual basis for these allegations including all facts which support or tend to support these allegations,
- (b) Identify each person who has or claims to have knowledge of the facts referred to in subpart (a) of this interrogatory,
- (c) Identify each document which refers or relates to the facts referred to in subpart (a) of this interrogatory,
- (d) Identify each oral communication or other event which refers or relates to the facts referred to in subpart (a) of this interrogatory.

INTERROGATORY NO. 15: With respect to the allegation in paragraph 22 of the First Amended Complaint of the United States that: "Chemicals which are part of the chemical wastes generated by the refining of coal tar into creosote oil and other products and the treatment of wood products with creosote oil and other materials have contaminated the groundwater in one aquifer two miles to the north of the Reilly Tar site,"

- (a) Fully state the factual basis for this allegation including all facts which support or tend to support this allegation,
- (b) Identify each person who has or claims to have knowledge of the facts referred to in subpart (a) of this interrogatory,
- (c) Identify each document which refers or relates to the facts referred to in subpart (a) of this interrogatory,
- (d) Identify each oral communication or other event which refers or relates to the facts referred to in subpart (a) of this interrogatory.

INTERROGATORY NO. 16: With respect to the allegations in paragraphs 22 of the First Amended Complaint of the United States that: "Chemicals which are part of the chemical wastes generated by the refining of coal tar into creosote oil and other products and the treatment of wood products with creosote oil and other materials have contaminated the groundwater in one aquifer ... at least one and one-half miles to the east and southeast of the site,"

- (a) Fully state the factual basis for this allegation including all facts which support or tend to support this allegation,
- (b) Identify each person who has or claims to have knowledge of the facts referred to in subpart (a) of this interrogatory,

(c) Identify each document which refers or relates to the facts referred to in subpart (a) of this interrogatory,

(d) Identify each oral communication or other event which refers or relates to the facts referred to in subpart (a) of this interrogatory.

INTERROGATORY NO. 17: With respect to the allegation in paragraph 22 of the First Amended Complaint of the United States that: "The chemicals will continue to move, through leaching and migration of the groundwater, from the Reilly Tar site, through the aquifers, and into the drinking water supply for the Minneapolis-St. Paul metropolitan area unless measures are taken to prevent it,"

(a) Fully state the factual basis for this allegation including all facts which support or tend to support this allegation,

(b) Identify each person who has or claims to have knowledge of the facts referred to in subpart (a) of this interrogatory,

(c) Identify each document which refers or relates to the facts referred to in subpart (a) of this interrogatory,

(d) Identify each oral communication or other event which refers or relates to the facts referred to in subpart (a) of this interrogatory.

INTERROGATORY NO. 18: With respect to the claim in paragraph 26 of the First Amended Complaint of the United States that: "The chemical wastes disposed of upon and into the ground on the Reilly Tar site are hazardous waste as defined in Section 1004(5) of the Act,"

- (a) Fully state the factual basis for this claim including all facts which support or tend to support this claim,
- (b) Identify each person who has or claims to have knowledge of the facts referred to in subpart (a) of this interrogatory,
- (c) Identify each document which refers or relates to the facts referred to in subpart (a) of this interrogatory,
- (d) Identify each oral communication or other event which refers or relates to the facts referred to in subpart (a) of this interrogatory.

INTERROGATORY NO. 19: With respect to the claim in paragraph 28 of the First Amended Complaint of the United States that: "The discharge, deposit, dumping, spilling, leaking and placing of hazardous waste upon and into the ground and water on and beneath the Reilly Tar site constitutes disposal as defined in Section 1004(3) of the Act,"

- (a) Fully state the factual basis for this claim including all facts which support or tend to support this claim,

- (b) Identify each person who has or claims to have knowledge of the facts referred to in subpart (a) of this interrogatory,
- (c) Identify each document which refers or relates to the facts referred to in subpart (a) of this interrogatory,
- (d) Identify each oral communication or other event which refers or relates to the facts referred to in subpart (a) of this interrogatory.

INTERROGATORY NO. 20: With respect to the claim in paragraph 29 of the First Amended Complaint of the United States that: "The defendants have contributed and are contributing to such disposal,"

- (a) Fully state the factual basis for this claim including all facts which support or tend to support this claim,
- (b) Identify each person who has or claims to have knowledge of the facts referred to in subpart (a) of this interrogatory,
- (c) Identify each document which refers or relates to the facts referred to in subpart (a) of this interrogatory,
- (d) Identify each oral communication or other event which refers or relates to the facts referred to in subpart (a) of this interrogatory.

INTERROGATORY NO. 21: With respect to the claim in paragraph 30 of the First Amended Complaint of the United States that: "Reilly Tar's past handling, storage, and treatment of hazardous waste and the past and present disposal of hazardous waste upon and into the ground and water on and beneath the Reilly Tar site are presenting and may present an imminent and substantial endangerment to health and the environment,"

- (a) Fully state the factual basis for this claim including all facts which support or tend to support this claim,
- (b) Identify each person who has or claims to have knowledge of the facts referred to in subpart (a) of this interrogatory,
- (c) Identify each document which refers or relates to the facts referred to in subpart (a) of this interrogatory,
- (d) Identify each oral communication or other event which refers or relates to the facts referred to in subpart (a) of this interrogatory.

INTERROGATORY NO. 22: With respect to the claim in paragraph 33 of the First Amended Complaint of the United States that: "The hazardous waste disposal of upon and into the ground in the Reilly Tar site are hazardous substances as defined by Section 101(14) of the Act,"



- (a) Fully state the factual basis for this claim including all facts which support or tend to support this claim,
- (b) Identify each person who has or claims to have knowledge of the facts referred to in subpart (a) of this interrogatory,
- (c) Identify each document which refers or relates to the facts referred to in subpart (a) of this interrogatory,
- (d) Identify each oral communication or other event which refers or relates to the facts referred to in subpart (a) of this interrogatory.

INTERROGATORY NO. 23: With respect to the claim in paragraph 34 of the First Amended Complaint of the United States that: "The Reilly Tar site is a facility within the meaning of Section 101(9) of the Act,"

- (a) Fully state the factual basis for this claim including all facts which support or tend to support this claim,
- (b) Identify each person who has or claims to have knowledge of the facts referred to in subpart (a) of this interrogatory,
- (c) Identify each document which refers or relates to the facts referred to in subpart (a) of this interrogatory,

- (d) Identify each oral communication or other event which refers or relates to the facts referred to in subpart (a) of this interrogatory.

INTERROGATORY NO. 24: With respect to the claim in paragraph 37 of the First Amended Complaint of the United States that: "Releases, as defined in Section 101(22) of the Act, of hazardous substances are occurring, have occurred, and threaten to occur from the Reilly site,"

- (a) Fully state the factual basis for this claim including all facts which support or tend to support this claim,
- (b) Identify each person who has or claims to have knowledge of the facts referred to in subpart (a) of this interrogatory,
- (c) Identify each document which refers or relates to the facts referred to in subpart (a) of this interrogatory,
- (d) Identify each oral communication or other event which refers or relates to the facts referred to in subpart (a) of this interrogatory.

INTERROGATORY NO. 25: With respect to the claim in paragraph 38 of the First Amended Complaint of the United States that: "The activities of Reilly Tar have caused the releases and threatened releases of hazardous substances from the Reilly Tar site,"

- (a) Fully state the factual basis for this claim including all facts which support or tend to support this claim,
- (b) Identify each person who has or claims to have knowledge of the facts referred to in subpart (a) of this interrogatory,
- (c) Identify each document which refers or relates to the facts referred to in subpart (a) of this interrogatory,
- (d) Identify each oral communication or other event which refers or relates to the facts referred to in subpart (a) of this interrogatory.

INTERROGATORY NO. 26: With respect to the claim in paragraph 39 of the First Amended Complaint of the United States that: "There is and may be an imminent and substantial endangerment to the public health and welfare and the environment because of the actual and threatened releases of hazardous substances from the Reilly Tar site,"

- (a) Fully state the factual basis for this claim including all facts which support or tend to support this claim,
- (b) Identify each person who has or claims to have knowledge of the facts referred to in subpart (a) of this interrogatory,

- (c) Identify each document which refers or relates to the facts referred to in subpart (a) of this interrogatory,
- (d) Identify each oral communication or other event which refers or relates to the facts referred to in subpart (a) of this interrogatory.

INTERROGATORY NO. 27: With respect to the claim in paragraph 44 of the First Amended Complaint of the United States that: "Since the passage of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the United States has incurred and will continue to incur response costs, including the costs of removal and remedial actions, as defined in Sections 101(23), 101(24) and 101(25) of the Act, to respond to the hazard created by the release and threatened release of hazardous substances from the Reilly Tar site,"

- (a) Fully state the factual basis for this claim including all facts which support or tend to support this claim,
- (b) Identify each person who has or claims to have knowledge of the facts referred to in subpart (a) of this interrogatory,
- (c) Identify each document which refers or relates to the facts referred to in subpart (a) of this interrogatory,

- (d) Identify each oral communication or other event which refers or relates to the facts referred to in subpart (a) of this interrogatory.

INTERROGATORY NO. 28: With respect to the claim in paragraph 45 of the First Amended Complaint of the United States that: "The defendant Reilly Tar is liable to the United States for the response costs, including the costs of removal and remedial actions, incurred to respond to the hazard created by the release and threatened release of hazardous substances from the Reilly Tar site,"

- (a) Fully state the factual basis for this claim including all facts which support or tend to support this claim,
- (b) Identify each person who has or claims to have knowledge of the facts referred to in subpart (a) of this interrogatory,
- (c) Identify each document which refers or relates to the facts referred to in subpart (a) of this interrogatory,
- (d) Identify each oral communication or other event which refers or relates to the facts referred to in subpart (a) of this interrogatory.

Interrogatory No. 29: With respect to paragraph 4 (a)-(d) of the prayer for relief in the First Amended Complaint of the United States, state whether you continue to seek each element of relief therein, and:

- (a) Fully state the factual basis for including each of these remedial measures as a part of the relief sought,
- (b) Identify each person who has or claims to have knowledge of the facts referred to in subpart (a) of this interrogatory,
- (c) Identify each document which refers or relates to the facts referred to in subpart (a) of this interrogatory,
- (d) Identify each oral communication or other event which refers or relates to the facts referred to in subpart (a) of this interrogatory.

INTERROGATORY NO. 30: With respect to paragraph 5(a)-(e) of the prayer for relief in the First Amended Complaint of the United States, state whether you continue to seek each element of relief therein.

- (a) Fully state the factual basis for including each of these remedial measures as a part of the relief sought,
- (b) Identify each person who has or claims to have knowledge of the facts referred to in subpart (a) of this interrogatory,
- (c) Identify each document which refers or relates to the facts referred to in subpart (a) of this interrogatory,

- (d) Identify each oral communication or other event which refers or relates to the facts referred to in subpart (a) of this interrogatory.

INTERROGATORY NO. 31: Identify when you first became aware that discharges from the Reilly plant were (a) leaving the plant and (b) eventually reaching the swamp, state both your policy and what actions, if any, were taken regarding the discharges at the time and, if either your policy or actions taken changed over time, further state the changes, the times thereof, and the reasons therefor.

INTERROGATORY NO. 32: Identify the circumstances in which and the personnel by whom any policies or actions identified in Interrogatory No. 31 above were communicated to Reilly.

INTERROGATORY NO. 33: Identify any other entities in St. Louis Park which had discharges which (a) left that entities property and (b) eventually reached the swamp, and for each such entity:

- (1) Identify when you first became aware of such discharges,
- (2) State your policy and actions, if any, taken regarding the discharges at the time,
- (3) If those policies or actions changed over time, state the changes, the times thereof, and the reasons therefor,

- (4) Identify the nature of the material so discharged,
- (5) Identify the circumstances in which and the personnel by whom any policies or actions identified in subparts (2) or (3) above were communicated to the entity in question.

INTERROGATORY NO. 34: Identify all documents which refer or relate to information contained in or used to formulate your answers to Interrogatories Nos. 31-33 above, and further identify each individual who has or claims to have knowledge which refers or relates to your answers to Interrogatories No. 31-33 above.

INTERROGATORY NO. 35: For each well on the former Reilly site which you claim to be or to have been contaminated in any respect, state:

- (a) The identifying number and location of the well,
- (b) The nature of the contamination,
- (c) Any and all information you have as to how the well became contaminated, including, but not limited to, the source or sources of such information and the identity of any individuals who have or claim to have knowledge of all or part of such information,
- (d) The identity of all documents which refer or relate to information contained in or used to formulate your answers to subparts (a), (b), or (c) above.



INTERROGATORY NO. 36: For each well not on the former Reilly site but in St. Louis Park, Hopkins or Edina, which you claim to be or to have been contaminated in any respect, state:

- (a) The identifying number and location of the well,
- (b) The nature of the contamination,
- (c) Any and all information you have as to how the well became contaminated, including, but not limited to, the source or sources of such information and the identity of any individuals who have or claim to have knowledge of all or part of such information,
- (d) The identity of all documents which refer or relate to information contained in or used to formulate your answers to subparts (a), (b), or (c) above.

INTERROGATORY NO. 37: If you contend that Reilly at any time knew or should have known that coal tar, creosote, or any constituents thereof were in any respect harmful to human health, state each and every respect in which you claim that coal tar, creosote, or any constituents thereof are harmful to human health, and, for each, identify the following:

- (a) The aspect of coal tar or creosote or the constituent thereof you regard as harmful to human health,
- (b) The time at which you became aware of that harmful effect,

- (c) The source of your knowledge concerning that harmful effect,
- (d) The time or times when you contend Reilly knew or should have known of that harmful effect,
- (e) Exactly what knowledge you contend Reilly had or should have had,
- (f) The facts upon which you base your answer to subparts (d) & (e) above,
- (g) All individuals who have or claim to have knowledge which refers or relates to your answers to subparts (a) through (f) above,
- (h) All documents which refer or relate to information contained in or used to formulate your answers to this interrogatory.

INTERROGATORY NO. 38: If you contend that any of Reilly's St. Louis Park plant facilities or practices were not as good or better than those of other particular coal tar refining and wood treatment plants or the industry as a whole, identify each facility or practice for which you so contend and, for each, identify:

- (a) The time frame respecting your contention,
- (b) The respect in which the facility or practice is allegedly deficient,
- (c) The particular other coal tar refining and wood treatment plant or plants to which Reilly's plant is being compared for your response,

- (d) All facts upon which you base your answers to subparts (a), (b), and (c),
- (e) All individuals who have or claim to have knowledge which refers or relates to your answers to subparts (a) through (d),
- (f) All documents which refer or relate to information contained in or used to formulate your answers to this interrogatory.

INTERROGATORY NO. 39: State whether you purchased products from the Reilly St. Louis Park plant and, for each such product:

- (a) Identify the product,
- (b) Explain the use made by you of the product,
- (c) Identify the quantity purchased and when such purchases occurred,
- (d) Identify the individuals who have or claim to have knowledge which refers or relates to your answers to subparts (a), (b) or (c) above,
- (e) Identify all documents which refer or relate to information contained in or used by you to formulate your responses to this interrogatory.

INTERROGATORY NO. 40: State when sanitary sewer service was available to serve the Reilly St. Louis Park plant, what the nature and location of that service was, what its capacity was, and further state:

- (a) The time and nature of any changes in the nature, location, and capacity of that service after it first became available to serve the Reilly plant,
- (b) The identity of any individuals who have or claim to have knowledge which refer or relates to your answer to this interrogatory, and
- (c) The identity of all documents which refer or relates to information contained in or used to formulate your answer to this interrogatory.

INTERROGATORY NO. 41: Explain in chronological order the connection of the St. Louis Park community to a metropolitan sanitary sewer system, including, but not limited to, (i) when each stage of hook-up was completed (ii) the method of waste handling used in each area of the community prior to the hook-up, and (iii) if septic systems were used in the community at any time, (a) how many systems were in use (by year), (b) the nature of any permits required by you for their use, and (c) any problems you encountered or learned of regarding the use of septic systems, (iv) the identity of all individuals who have or claim to have knowledge which refers or relates to your answers to this interrogatory, and (v) the identity of all documents which refer or relate to information contained in or used by you to formulate your responses to this interrogatory.

INTERROGATORY NO. 42: If you contend that removal or remedial actions of any kind are necessary to alleviate an imminent and substantial danger to the public health or welfare at or in any way connected with the Reilly site:

- (a) Identify the remedial action plan (RAP) or other removal actions, remedy or remedies formulated, proposed and/or implemented for the Reilly site and all alternatives considered thereto,
- (b) Identify each person involved in formulating, preparing or reviewing the actions identified in subpart (a) of this interrogatory,
- (c) Identify each document relied upon, referred to, reviewed or in any way used or consulted by those persons identified in subpart (b) of this interrogatory regarding the RAP or other removal actions, remedy or remedies identified in subpart (a) of this interrogatory, including each document identified as a RAP, removal action, remedy or remedies,
- (d) Identify the date or dates when the actions referred to in subpart (a) of this interrogatory were formulated, proposed, implemented or otherwise considered,
- (e) Fully state the factual basis for each and every element of the RAP formulated, proposed, considered and/or implemented for the Reilly site,

- (f) Fully state the factual basis for any other removal actions, remedy or remedies and alternatives considered thereto which were formulated, proposed, considered and/or implemented for the Reilly site,
- (g) Fully state the basis for rejecting any RAP, (or element thereof) removal action, remedy or remedies, including alternatives thereto, which were formulated, proposed or in any way considered for the Reilly site,
- (h) Identify each person who has or claims to have knowledge of the facts referred to in subparts (e), (f) and (g) of this interrogatory,
- (i) Identify each document which refers or relates to the facts referred to in subparts (e), (f) and (g) of this interrogatory,
- (j) Identify each oral communication or other event which refers or relates to the facts referred to in subparts (e), (f) and (g) of this interrogatory,
- (k) Identify all costs associated with implementation of the RAP or other removal actions, remedy or remedies and alternatives thereto identified in subparts (a) and (g) of this interrogatory,

- (l) Identify each person who has or claims to have knowledge of the costs identified in subpart (k) of this interrogatory,
- (m) Identify each document which refers or relates to the costs identified in subpart (k) of this interrogatory,
- (n) Identify each person expected to be called as an expert witness at trial regarding the RAP or other removal actions, remedy or remedies and alternatives thereto, formulated, proposed, considered and/or implemented for the Reilly site:
  - (1) State the subject matter on which each expert is expected to testify,
  - (2) State the substance of the facts and opinions to which each expert is expected to testify,
  - (3) State the grounds or basis for each opinion,
  - (4) Identify all documents upon which each expert will rely in support of his/her opinion.

INTERROGATORY NO. 43: The Comprehensive Environmental Response, Compensation and Liability Act provides that remedial actions ("response to and action to minimize damage from hazardous substances releases") shall, to the greatest extent possible, be in accordance with the provisions of the National Contingency Plan (NCP). CERCLA § 105. 42 U.S.C.A. § 9605.

- (a) State whether the NCP criteria were used to evaluate formulated, proposed, considered and/or implemented removal or remedial actions, including alternatives thereto, for the Reilly site,
- (b) Identify conclusions as to the applicability of the NCP criteria to the Reilly site and whether the NCP criteria have been met for any removal or remedial actions formulated, proposed, considered and/or implemented, including alternatives thereto, for the Reilly site,
- (c) Identify the person or persons responsible for evaluating removal or remedial actions, including alternatives thereto, for the Reilly site with respect to the NCP criteria,
- (d) Identify each document which refers or relates to the Reilly site and whether the NCP criteria have been met for any removal or remedial actions formulated, proposed, considered and/or implemented at the Reilly site, including alternatives thereto,
- (e) Identify each oral communication or other event which refers or relates to the application of the NCP criteria to the Reilly site and whether the NCP criteria have been met for any removal or



remedial actions formulated, proposed, considered  
and/or implemented at the Reilly site, including  
alternatives thereto.

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DORSEY & WHITNEY

By Edward J. Schwartzbauer *by wsk*  
Edward J. Schwartzbauer  
Becky A. Comstock  
Michael J. Wahoske  
2200 First Bank Place East  
Minneapolis, Minnesota 55402  
Telephone: (612) 340-2825

Attorneys for Reilly Tar &  
Chemical Corporation